

Memorandum



Date: July 6, 2016

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Agenda Item No. 8(F)(5)

Subject: Recommendation for Approval to Award: Collection and Disposal of Recyclable Materials from County Facilities

Recommendation

It is recommended that the Board of County Commissioners (Board) approve award of *Contract No. FB-00293, Collection and Disposal of Recyclable Materials from County Facilities*, for multiple County departments. The awarded vendors will be responsible for the routine collection of over 1,200 containers of recyclable materials from approximately 500 sites, and the disposal of the materials at a permitted resource recovery and management facility. Recyclables include corrugated cardboard and comingled materials, such as glass, metal, plastic containers, office paper, newspaper and other paper-based products. As set forth in the table below, the contract includes five (5) zones:

Zone	Description
A	Sites located at County airports
B	Sites located in the northern region of the County and not federally funded
C	Sites located in the southern region of the County and not federally funded
D	Sites located in the northern region of the County and federally funded
E	Sites located in the southern region of the County and federally funded

Scope

The impact of this item is countywide in nature.

Fiscal Impact/Funding Source

The fiscal impact for the initial three-year term is \$1,598,000. Should the County choose to exercise the two (2), two-year options to renew, the contract's cumulative value will be \$3,729,000. The previous contract, *RFQ841*, was valued at \$1,029,000 for a five-year term. Less than two (2) years into the initial term of the contract, the awarded vendor failed to perform resulting in contract termination and permanent debarment.

It was determined that the Parks, Recreation and Open Spaces and Aviation departments would encounter operational disruptions should recycling services be interrupted due to the vendor termination. Additionally, recycling services had to be secured to comply with the Leadership in Energy and Environmental Design (LEED) certification requirements for six (6) County-owned buildings. Therefore, contracts were put into place to support those critical service needs until award of this recommended countywide contract. Under the recommended contract, pricing for Zone A (sites located at County airports) is five (5) percent lower than pricing under the current short-term contract that was established by the Aviation Department following the non-performance of the vendor under *Contract No. RFQ841*.

Department	Allocation	Funding Source	Contract Manager
Animal Services	\$3,000	General Fund and Proprietary Funds	Rafael Granja
Aviation	703,000	Proprietary Funds	Manuel Bazzani
Clerk of Courts	3,000	Proprietary Funds	Charis Lubeck
Community Action and Human Services	39,000	General Fund and Grant Funds	Richard Signori

Department	Allocation	Funding Source	Contract Manager
Corrections and Rehabilitation	22,000	General Fund	Mohammed Haq
Cultural Affairs	6,000	General Fund and Proprietary Funds	Marie Denis
Fire Rescue	94,000	Fire District Funds	Arturo Abreu
Internal Services	302,000	Internal Service Funds	Juan Silva
Library System	68,000	Library District Funds	Anna Rodriguez
Parks, Recreation and Open Spaces	130,000	General Fund	Janeen Feiger
Police	46,000	General Fund	Michael Cole
PortMiami	21,000	Proprietary Funds	Becky Hope
Public Housing and Community Development	37,000	Federal Funds	Indira Rajkumar
Transportation and Public Works	55,000	MDT Operating	Akbar Sharifi
Vizcaya Museum and Gardens	6,000	Proprietary Funds	Luis Correa
Solid Waste Management	9,000	General Fund and Proprietary Funds	Olga Espinosa-Anderson
Water and Sewer	54,000	Proprietary Funds	Ana Caveda
Total:	\$1,598,000		

Track Record/Monitor

Robin Webb of the Internal Services Department is the Procurement Contracting Officer.

Delegated Authority

If this item is approved, the County Mayor or County Mayor's designee will have the authority to exercise all provisions of the contract pursuant to Section 2-8.1 of the County Code and Implementing Order 3-38, including any cancellation, renewal and extension provisions.

Vendors Recommended for Award

An Invitation to Bid was issued under full and open competition on October 2, 2015. Eight (8) bids were received in response to the solicitation, two (2) of which were "No Bids." The method of award was to the lowest-priced responsive, responsible bidder by zone in the aggregate that met the solicitation's minimum requirements. The County conducted a responsibility review of the apparent low bidder in all zones, Green Team Recycling LLC, and concluded that the bidder lacked sufficient experience and capacity to successfully deliver the solicited services (see attached Responsibility Determination). The lowest responsive, responsible bidder is recommended for award by zone as follows.

Awardee	Principal Address	Address of Branch Offices or Headquarters in Miami-Dade or Broward*	Number of Employee Residents	Principal	Awarded Zone(s)
			1)Miami-Dade 2)Broward 3)Percentage*		
Sunshine Recycling Services of SW Florida, LLC	5235 Ramsey Way Suite 18 Ft. Myers, FL	3547 NW 49 Street Miami, FL	16	Rory P. Amundsen	D and E
			5		
			95.5%		

Waste Management, Inc. of Florida	1001 Fannin Suite 4000 Houston, TX	2125 NW 10 Court Miami, FL	232	Timothy B. Hawkins	B and C
			42		
			85%		
World Waste Recycling, Inc.	4701 NW 35 Avenue Miami, FL	Same	39	Martha Saroza	A
			5		
			100%		

*Provided pursuant to Resolution No. R-1011-15. Percentage of employee residents is the percentage of vendors' employees who reside in Miami-Dade or Broward County, as compared to the vendor's total workforce.

Vendors Not Recommended for Award:

Vendor	Reason for Not Recommending
Green Team Recycling, LLC	Vendor deemed non-responsible
Tak Paper Corp.	Prices higher than low
Waste Pro of Florida, Inc.	
AERC.com, Inc. d/b/a AERC Recycling Solutions	No Bid*
Tropical Sanitation, Inc.	

*A "No Bid" means the vendor responded indicating that it will not be providing an offer.

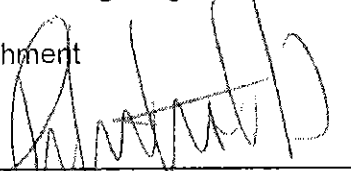
Due Diligence

Pursuant to Resolution No. R-187-12, due diligence was conducted in accordance with the Internal Services Department's Procurement Guidelines to determine contractor responsibility, including verifying corporate status and that there are no performance or compliance issues. The lists that were referenced include convicted bidders, debarred bidders, delinquent contractors, suspended bidders and federal excluded parties. There were no adverse findings relating to contractor responsibility.

Pursuant to Resolution No. R-140-15, prior to the re-procurement of this replacement contract, a full review of the scope of services was conducted to ensure the replacement contract reflects the County's current needs. The review included conducting market research, posting a draft solicitation for industry comment, and holding meetings and drafting sessions with the user departments. The scope of services was updated to include permitting requirements for the resource recovery and management facility, further define the County's reporting requirements, and revise the pricing structure to facilitate the addition and/or deletion of sites at pre-determined prices.

Applicable Ordinances and Contract Measures

- The two (2) percent User Access Program provision applies and will be collected on all purchases where permitted by the funding source.
- The Small Business Enterprise Bid Preference and Local Preference were applied in accordance with the Ordinances where permitted by the funding source.
- The Living Wage Ordinance applies.

Attachment


Jack Osterholt
Deputy Mayor

Memorandum



Date: December 17, 2015

To: Miriam Singer, CPPO
Sr. Assistant Director
Internal Services Department

From: Robin Webb *R. Webb*
Procurement Contracting Officer 1
Internal Services Department

Subject: Responsibility Determination on Solicitation No. FB-00293, Collection and Disposal of Recyclable Materials from County Facilities

Background

The County issued the reference solicitation on October 2, 2015 for collection and disposal services of recyclable materials from County facilities under full and open competition. The scope of the solicitation requires the collection of over 1,100 containers of recyclable materials from approximately 500 sites over 5 geographical zones on a routine basis and disposal of those materials in a permitted recycling facility.

The solicitation closed on October 30, 2015 and eight (8) responses were received. During the initial phase of the evaluation process, it was determined that Green Team Recycling, LLC (Green Team) was the apparent lowest priced bidder for all five (5) zones. An issue regarding the Green Team proposal and the submittal requirements for the General Hauler's (GH) permit was referred to the County Attorney's Office (CAO) for a responsiveness determination. The CAO determined the Green Team proposal was responsive on that issue, allowing the Procurement Management Services staff to proceed with the evaluation process.

Responsibility Review

As the evaluation process continued, it was discovered that Green Team did not submit the requisite documentation that outlined their ability to perform the solicited services at the required service level and volume. Therefore, a responsibility review was conducted to verify the firm has the capacity to fulfill the contract requirements. On December 4, 2015, a meeting was held with three (3) Procurement Management Services staff members, three (3) Resource Conservation Committee members and Ms. Marlene Ferro, Owner/Operator of Green Team. At the meeting, clarification was requested on Green Team's qualifications and ability to handle the contract. Ms. Ferro verbally assured the County that the firm could perform the required services at the level expected per the contract requirements. At the conclusion of the meeting, documentation was requested to substantiate her claims in order to make a responsibility determination. The additional information requested included:

1. Information about all equipment to be used to provide the services; and
2. Three references of clients for which the firm has provided the comingled recycling services being solicited for at least two (2) years.

Review of Additional Documentation Provided

The firm's GH permit covered two (2) trucks. The firm provided invoices for two (2) additional trucks, a front-loader and a roll-off truck, that will be added to the permit upon delivery for a total of four (4) trucks. For comparison purposes, the vendor currently providing recycling services to 43 sites for the Aviation Department has 27 trucks covered under their GH permit and the vendor currently providing recycling services in 34 sites for the Parks, Recreation and Open Spaces Department uses 10

trucks covered under their GH permit. It is clear that four (4) trucks will not be sufficient to collect over 1,100 bins from 500 sites on a recurring basis.

The solicitation requires, per Section 2, Paragraph 2.5.3, the provision of three (3) references from current customers that can verify that the bidder has successfully provided the services being solicited for at least two (2) years. The original references provided with the bid submittal were from clients for which the firm provides paper shredding and paper only recycling services. Supplemental references were requested. A summary of the references provided is as follows:

Client Name	Years Serviced by Green Team	Types of Material Collected	Number of Sites Serviced	Number of Containers Serviced/Frequency
Ryder System	3	Comingled (paper, plastic, cardboard)	1	20/weekly
The Joy of Learning	A little over 1 yr.	Comingled	2	4/monthly
Designer Eyes	5	Comingled (paper, plastic, cardboard, cans)	4	4/biweekly

While all of these references were favorable in terms of the services provided to these clients, none of them demonstrate that the vendor is currently providing recycling services that compares to the scope (comingled to include, paper, plastic, cardboard, cans and glass) and size (1,100 bins from 500 sites) being solicited.

Recommendation

The supporting documentation provided by Green Team fails to demonstrate the requisite experience and trucks necessary to successfully provide the recycling services required by Miami-Dade County. It is therefore determined that Green Team does not meet the responsibility threshold and cannot be recommended for award. The evaluation process will move to next lowest responsive, responsible bidder in each of the zones.

Memorandum



Date: November 30, 2015

To: Robin Webb
Procurement Contracting Officer 1
Internal Services Department, Procurement Management Division

From: Oren Rosenthal
Assistant County Attorney

Subject: ITB No. FB-00293, Collection and Disposal of Recyclable Materials from County Facilities

You request a legal opinion on whether Green Team Recycling LLC ("Green Team") is a responsive vendor because they did not submit a copy of their General Hauler's permit along with their bid for the above Invitation to Bid for Collection and Disposal of Recyclable Materials from County Facilities ("ITB"). For the reasons set forth below, the bid from Green Team is responsive and may be awarded provided that the County deems the bidder to be a responsible bidder for this Solicitation.

BACKGROUND

We rely on your memorandum dated November 17, 2015, and received by our office on November 30, 2015 as well as excerpts of the ITB and scoring summary provided therewith for the factual background set forth herein.

Bids for the ITB were due on October 30, 2015. Green Team and five other bidders timely proposed on various zones offered in the solicitation. Section 2.5.1 of the ITB provided that "Bidder is required to submit a copy of their current General Hauler Permit issued by the Miami-Dade County Public Works and Waste Management Department with their submittal."

You report that Green Team failed to provide a copy of their permit along with their bid on October 30, 2015. Green Team, however, provided a permit number of a valid General Hauler permit on November 3, 2015 upon your request. You indicate that your investigation of the permit number revealed that it was a valid General Hauler permit applied for on November 2, 2015 and issued on November 3, 2015.

Your request followed.

ANALYSIS

Green Team is a responsive bidder notwithstanding their failure to submit, or even apply for, a General Hauler permit prior to the due date of the ITB. The General Hauler permit is issued by the County pursuant to Chapter 15 of the Code of Miami-Dade County. Section 15-17(1) of the Code of Miami-Dade County provides:

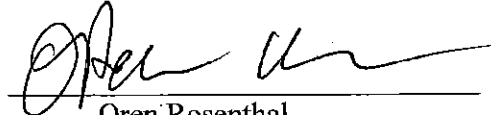
It shall be unlawful for any person to remove, collect or transport for hire or salvage any solid waste or recyclable material over the streets or public

right-of-way within any unincorporated area of the County, any unincorporated area that is incorporated subsequent to the effective date of this ordinance, and any unincorporated area that is annexed to an existing municipality subsequent to the effective date of this ordinance, without first applying for and receiving the appropriate solid waste permit from the Department to carry on such a business.

Under the County Code, the permit is not a requirement to bid on a solicitation; rather it is a requirement to perform the work set forth in the solicitation.

As such, a General Hauler permit may not be deemed a precondition of a bid but instead is merely a condition of award. As long as such permit is obtained prior to award and proof of such permit provided to the County, the failure of a bidder to obtain and present a General Hauler permit at the time of bid submission, regardless of the ITB's requirements, will not render a bid not responsive. See Miami-Dade County Implementing Order 2-13 ("The terms of a solicitation document cannot ordinarily change an issue of responsibility into one of responsiveness ... a bidder or proposer need not demonstrate compliance with solicitation requirements pertaining to its responsibility in order for its bid or proposal to be deemed responsive and evaluated ... information regarding a bidder or proposer's responsibility may be furnished up to the time of award.")

Accordingly, Green Team's bid is responsive. This finding of responsiveness should not be deemed to also be a finding of responsibility. The County should carefully examine whether Green Team is a responsible vendor. Such examination should include both its recent permit acquisition and its disproportionately low bid on this vital County service as set forth in the provided scoring summary.


Oren Rosenthal



MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: July 6, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 8(F)(5)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☒ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(F)(5)
7-6-16

RESOLUTION NO. _____

RESOLUTION APPROVING AWARD OF CONTRACT NO. FB-00293 FOR PURCHASE OF COLLECTION AND DISPOSAL OF RECYCLABLE MATERIALS FOR COUNTY DEPARTMENTS IN A TOTAL AMOUNT NOT TO EXCEED \$3,729,000.00; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO GIVE NOTICE OF THIS AWARD, ISSUE THE APPROPRIATE PURCHASE ORDER TO GIVE EFFECT TO SAME AND EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE CODE AND IMPLEMENTING ORDER 3-38

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board approves award of Contract No. FB-00293 for purchase of collection and disposal of recyclable materials for County departments as set forth in the incorporated memorandum in a total amount not to exceed \$3,729,000.00, and authorizes the County Mayor or County Mayor's designee to give notice of this award, issue the appropriate purchase order to give effect to same and exercise all provisions of the contract pursuant to Section 2-8.1 of the County Code and Implementing Order 3-38. A copy of the contract is on file with and available upon request from the Internal Services Department, Procurement Management Services Division.

The foregoing resolution was offered by Commissioner
who moved its adoption. The motion was seconded by Commissioner
and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman	
Esteban L. Bovo, Jr., Vice Chairman	
Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 6th day of July, 2016. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Hugo Benitez